

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

IN THE INTEREST OF: S.R.R., D.J.R., AND T.L.R.;  
JUVENILE OFFICER,

Plaintiffs  
Respondent

v.

T.R. (FATHER).

Appellant

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DOCKET NUMBER WD78651 and WD79074

DATE: May 17, 2016

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable John M. Torrence, Judge

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Appellate Judges:

Division Two  
Victor C. Howard, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

IN THE INTEREST OF: S.R.R., D.J.R., AND T.L.R., Plaintiffs;  
JUVENILE OFFICER, Respondent, v. T.R. (FATHER), Appellant

**WD78651 and WD79074**

**Jackson County**

Before Division Two Judges: Howard, P.J., Newton, and Mitchell, JJ.

T.R. (Father) was incarcerated when the Jackson County Juvenile Officer filed petitions in family court in July 2013 alleging that Father’s daughter and two sons were without proper care, custody, and support. Mother was found to have neglected the children. The court placed the children in Mother’s custody subject to a number of conditions and allowed contact as therapeutically recommended with Father, who was due to be released from prison in February 2016. The children were eventually placed in foster care. Following an April 2015 hearing conducted under section 210.720 (pertaining to the adoption of a permanency plan for children in foster care), the court changed the recommended plan from reunification to termination of parental rights and adoption, finding that Mother failed to participate regularly in therapy and had unstable housing, while Father “remains incarcerated.” Father filed an appeal from this court order and judgment, arguing that the evidence was insufficient to terminate his parental rights. The juvenile officer filed a motion to dismiss the appeal. Opposing the motion, Father urged this Court to find that the judgment was final or that we reexamine a case, *In re L.E.C.*, that said such orders cannot be appealed. The family court conducted another review hearing several months later and again issued an order and judgment stating that the permanency plan was adoption. It too was based on Mother’s failure to regularly participate in therapy and inability to secure suitable housing. This order, like the first, allowed for ongoing contact with both natural parents. Father filed an appeal from this order and judgment, raising the same issues as in his first appeal. The juvenile officer again filed a motion to dismiss. We consolidated the appeals and took the motions with the case.

**DISMISSED.**

**Division Two holds:**

In 2003, this Court decided that no appeal can be taken from a permanency-plan order because (1) section 210.720 does not give affected parties the right to appeal and (2) these orders are not final and, thus, cannot be appealed under section 512.020, the general statute relating to civil appeals. *In re L.E.C.* That case also involved a permanency plan that had changed from reunification to adoption. Our sister courts of appeals have cited the case as persuasive authority in related cases, as recently as February of this year. We remain convinced that the case was well-reasoned, particularly in light of Father’s request on appeal that this Court apply termination criteria to evaluate the evidence introduced during the permanency hearings, which involve the application of different criteria according to legislative mandate. We decline the invitation to overrule *In re L.E.C.* Therefore, we dismiss.

Opinion by Thomas H. Newton, Judge

May 17, 2016

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